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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FAMILY OF HELENA, INC. d/b/a
FIESTA MEXICANA,

Plaintiff,
vs.
ARCH INSURANCE COMPANY and
its third party administrator
GALLAGHER BASSETT SERVICES,
INC.,

Defendants.

Cause No.: CV-_____

NOTICE OF REMOVAL BY
DEFENDANTS

Defendants Arch Insurance Company (hereinafter "Arch") and Gallagher Bassett Services, Inc. (hereinafter "Gallagher Bassett") submit this Notice of Removal from the Montana First Judicial District Court pursuant to 28 U.S.C. § 1446. In support of this notice, Arch and Gallagher Bassett state as follows:

A. Process, Pleadings and Orders Served Upon Defendant

1. On June 15, 2016, Plaintiff Family of Helena, Inc., d/b/a Fiesta Mexicana (hereinafter "Fiesta") filed suit in Montana First Judicial District Court against Arch and Gallagher Bassett. (**Exhibit A**, Complaint.)

2. Fiesta served Arch through the Commissioner of Securities and Insurance on June 20, 2016. The Commissioner accepted service of process on behalf of Arch on June 24, 2016. (See **Exhibit B**, Letter from Commissioner, dated June 24, 2016 and Summons.)

3. It appears Fiesta served Gallagher Bassett through the Commissioner of Securities and Insurance. The Commissioner accepted service of process on behalf of Gallagher Bassett on June 24, 2016 (See **Exhibit C**, Acknowledgment of Receipt of Summons and Complaint.)

B. Nature of the Action

4. This case arises out of an insurance claim submitted and a suit filed against Arch's insured, Fire Guys Leasing, Inc., by Fiesta regarding the malfunction of a fire suppressant system and the subsequent adjusting and handling of that claim and suit by Defendants Gallagher Bassett and Arch.

5. Fiesta alleges that Defendants violated Montana's Unfair Trade Practices Act and maliciously acted in "bad faith" in the handling of the claim and suit. (Exhibit A, Complaint ¶¶ 14; 17-30.)

6. Fiesta seeks general damages, special damages, punitive damages and attorney's fees. (Exhibit A, Complaint pp. 5-6).

C. Diversity of Citizenship Jurisdiction

7. The above action is hereby removed from the First Judicial District Court, Lewis and Clark County Montana, to the United States District Court for the District of Montana, Helena Division. Notice of Removal has been filed in the First Judicial District Court. (See Notice of Removal attached as **Exhibit D.**)

8. Removal is based on diversity of citizenship. Fiesta is a Montana corporation with its principal place of business in Helena. (See Exhibit A, Complaint ¶ 16.) Defendant Gallagher Bassett is a Delaware corporation with its principal office located in Itasca, Illinois. (See **Exhibit E**, Montana Secretary of State Record.) Defendant Arch is a Missouri corporation with its principal place of business in Jersey City, New Jersey.

9. Arch and Gallagher Bassett are informed and believe that the amount in controversy exceeds the \$75,000 jurisdictional limits of this Court. Accordingly, this Court has original jurisdiction based on diversity of citizenship under 28 U.S.C. § 1332(a).

10. This claim could have originally been brought in federal court, and is removable pursuant to 28 U.S.C. § 1441(a).

11. In accordance with 28 U.S.C. § 1446(b), this notice is filed within thirty (30) days of service of Plaintiff's Complaint on June 24, 2016.

12. Pursuant to 28 U.S.C. § 1446(d), Arch and Gallagher Bassett are giving written notice of the filing of this notice to all adverse parties and have filed a copy of this notice with the Montana First Judicial District Court, Lewis and Clark County.

13. This Court has removal jurisdiction over this action based upon complete diversity of citizenship jurisdiction, and Defendants are entitled to remove this action from the First Judicial District Court.

JURY DEMAND

Defendants hereby demand a trial by jury of all issues of fact raised herein.

DATED this 25th day of July, 2016.

HAMMER, QUINN & SHAW PLLC

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